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then break for lunch and get back here around whatever the agenda says because Gina has to catch a plane as well.

MS. BRIGGUM: So we are basically cutting that in half.

MS. ROBINSON: No, they originally only had half an hour for DSW and I would like to be able to give them that half an hour so that we can -- I mean the option was to break for lunch and come back and have them do that but that would be very tough. But I think they are prepared and we are prepared to recognize we only have 30 minutes; we need to give them their 30 minutes out of respect for that.

MS. YEAMPIERRE: What that would also mean is that you would have to limit your comments and not be repetitive and be very focused. And I am not sure that everyone has that discipline; I will be honest.

All right, so let's go.

Conducting EJ Analysis: Definition of Solid Waste Rule

Presentation

by Mathy Stanislaus, EPA Office of Solid Waste and Emergency Response

MR. STANISLAUS: Okay. Well thank you, thank you Gina for taking my time.

MS. MCCARTHY: See how well we work together.

MR. STANISLAUS: So I am very happy to be here to really talk about an issue and a significant environmental justice issue that I was met with literally in my first week

in my job. I think Vernice and a number of other people brought to my attention the issue of what is called the DSW Rule which is the Definition of Solid Waste Rule and I am going to just really break it down.

It is really about the recycling of hazardous waste and what are the potential consequences of that depending on where facilities are located. Some of the history of those kinds of facilities and the impacts in lower-income communities and communities of color and that we need to take a hard look at that.

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So we crafted a draft methodology for your comment, we issued that very recently. And I want to underscore this is a draft methodology and I am completely open to revising and restructuring it in a way that makes it work. And again I want to make sure that I underscore that I want to make it work. I want to make sure it is an authentic and hard look at the environmental justice impacts.

Because, one, I wanted to inform the environmental justice impacts in the definition of solid waste but also EPA is going to be looking at this process as a pilot to help inform the examination of environmental justice in rulemaking. So I am really interested in both the NEJAC collectively, individually, and in the roundtable that we are going to be having this afternoon, your thoughts about how to do it right.

And how to do we capture all the information that you all believe needs to be captured.

So let me just present kind of the context. The Sierra Club submitted a petition to EPA shortly after the new Administration to withdraw the definition of solid waste. Based on that -- well in that petition they raised the issue of environmental justice impacts not adequately being considered when the rule got finalized. The rule got finalized in 2008 in the old administration.

We had a public meeting June 30th and many, many commenters at that meeting raised the issue of the need to take a hard look at the environmental justice impacts and particularly underscored that there is a real history in EJ communities about the recycling of hazardous waste and fairly small operators leaving behind a legacy when they ran out of resources for the community to deal with that. And even the impacts during the course of operation that they felt were not adequately considered in the rulemaking. So we want to take a hard look at that.

And let me just reinforce, the Administrator recently announced her high priorities and one of her seven priorities is environmental justice and including folks who are citizens and residents who would be impacted by our decision. So that is one of the reasons why I aggressively want to move forward with an authentic look at the definition

of solid waste and the environmental justice impact.

So this afternoon between 4:00 and 6:00 we are going to host a public roundtable. So those who are interested in that rule please come and participate in that. There will be subsequent opportunities to provide your comments. We are going to have another roundtable in the D.C. area on February 23. We are going to have a roundtable teleconference on February 25. we are going to have a national video town hall on February 23, the afternoon of that. So we have asked people to submit comments by March 15, 2010.

So again this is ---

(Technical difficulty)

MR. STANISLAUS: --- that we do it well, that we do it authentically, and do it in a way that is defensible. So frankly if there are things that we did in that that are incorrect, I want to know. Things that could be done better, I want to know. Or reshape the methodology, I want to know. Because again I want to make sure that this is done right.

So after we get the comments we will subject it to the environmental justice analysis and then we will report that back out to you, or the status of that I think in your next meeting in June. We will kind of lay out where we are with respect to the environmental justice analysis.

Here are kind of the factors and the rule that we have to balance. One is, we clearly wanted to promote

recycling but we want to make sure that recycling is good and it is safe because the more that we can promote recycling the less toxics are allowed into the environment and impacting communities and also less greenhouse gases will result from that.

But again we want to ensure that there are no unintended consequences from that laudable goal. And so we are going to take a hard look at every step of the way, meaning the transportation, the recycling process, the manufacturing and even other upstream and downstream kind of impacts.

So with that I wanted to turn it over to Charlotte Mooney who the Chief of the Recycling and Generator Branch of ours who will walk through our current scope. And after that we will take some initial comments here. And then those who can join us later on today and subsequently, I look forward to kind of engaging you all. Oh, Vernice is going first or Charlotte?

Presentation

by Charlotte Mooney, EPA Office of Solid Waste and Emergency Response

MS. MOONEY: Vernice is going to go right after me. I have some comments as well. And I guess I just wanted to let you know that I am a Branch Chief in the agency, deep in the bowels of one of the stovepipes and that means that I have about 12 people that work for me and all of them write rules.

That is what we do for a living.

I think that it is cool that I am here because you have all of these really high-level important leadership types talking to you but what matters to us at the staff level is that the message that they are working with you on gets down to us. And the reason I thought it was cool that they asked me to be here was because I am trying to show you that that is what is happening. And that I am here, personally, and my staff, Tracy Atagi who is the lead on this EJ analysis that we are doing in the rulemaking, is to show you that is what we want. We want to be able to talk to you. We want to feel comfortable talking to you, which I don't by the way. But we really want to make that a real dialogue and I really appreciate Mathy letting me do that.

(Slide)

Mathy actually went through a couple of my talking points but really the reason we are here is just to let you know where we are and what we are doing first of all. And second of all, to talk to you about how to get your input because we see you as an important customer and a customer with a whole lot of expertise that is relevant to what we are doing. And so it is really important to us to figure out how to make that happen.

There is no way that we are going to get from you useful, thoughtful input in fifteen minutes. And we know that

we only sent the draft analysis methodology out a couple of weeks ago, if that even, so you have probably not had a chance to look at and we recognize that. So what we are here to do is to talk to you a little bit about it so that you understand what we are doing at a really high level and then talk to you about how can we hear from you and talk to you at a much more lower-level of detail.

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The goals of the rule, as Mathy mentioned, are basically three-fold. We are trying to encourage recycling to get those resource conservation benefits, sustainability benefits, and greenhouse gas benefits. We are trying to be protective of human health and the environment and by that we mean everyone's health and the entire environment.

At the same time we are trying to work with this incredible complex issue which has the incredibly stupid name of the Definition of Solid Waste which really just means is something regulated or not when it is recycled. You know, whenever you hear that you can just think, is it regulated or not when it is recycled.

(Slide)

And basically we published a rule in October, 2008 and this just basically shows you that there is a long history leading up to the publication of that rule in 2008. It was a final rule and we thought we were done. And then we got a

petition from the Sierra Club asking us to reconsider it. And we thought a lot about that and decided that we needed more input from other stakeholders, other folks that they had been working with to get a better sense of what the issues really were that people were concerned about.

So we had a public meeting, as Vernice remembers on June 30, and we had a lot of folks come and talk to us largely about EJ issues. And so since Mathy had just arrived, I think we kind of surprised him and he immediately got to decide that we would take a shot at being probably the first, you know, sort of folks out of the box trying to do a really, really enhanced EJ analysis; so that is why we are here.

And I think we tried to start it off right with that public meeting by saying, please come and talk to us. And I know we had it in Arlington, Virginia and it probably was not perfect. We tried really hard to get it to be a web-cast so that folks could at least watch it from elsewhere around the country and we will keep trying to make those kinds of engagements easier for people to participate in as much as we can.

(Slide)

So where we are now is that we have this methodology and Mathy mentioned and I wanted to make it really, really clear, this was just a draft plan for how to do the analysis. And we tried to be as detailed as we could in our draft plan

because we figured the more detail we could give people, the more detailed, helpful, useful and relevant reaction we would get. So if we get a big reaction, that is good. That means people understood what we were trying to say and what we were proposing to do and either care or don't care and will let us know what their thoughts are and hopefully bring their expertise and their interest so that we can understand it and really work with it.

(Slide)

And what we will be doing is we are going to have a couple of steps of public engagement as Mathy mentioned and I will come back to them at the end just so you are clear. And then we will be revising the methodology based on all of that input. So we have not done the analysis yet. We are going to do the analysis; we are just talking about how to do it. And we hope once we actually get all of your input, revise the methodology, we will then do the analysis and then once again come back to everyone, you guys included, and say okay we heard what you said about how you wanted us to do it, here is how we incorporated your ideas, we have actually conducted the analysis, now what do you think? Did we do it right, did we do it wrong, did we misunderstand somebody's ideas, did we get the science right, did we do the statistics right?

And also at the same time we will be doing a peer review. So we will be having sort of an expert group of folks

look at it sort of in a room by themselves, and then hopefully we will have some public dialogue so that folks can get together and talk about it as well. Because I find that to be the most useful way of getting really thoughtful comment is if people can hear each other's comments and feed off what they hear other people saying.

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So this slide is the one slide that I wanted you to look at which shows you the six really basic steps of the draft plan. And the first step is hazard characterization which is basically trying to look at what are the potential hazards that you might see in recycling facilities? And the second difficult question is how likely is it that those hazards might actually happen? So that is hazard characterization.

Then step two is identification of potentially affected communities. And that is tough and that is where you, I hope, are seeing national rulemaking and understanding sort of how national rulemaking can sometimes be very difficult. Because the way this rule works, we do not know -- it is not like there are set facilities already in existence who this rule necessarily applies to. It is a choice, a facility can choose to take advantage of the rule or not.

So there is a step in there of us predicting where facilities might be located. And we have some information; we

have a few states where the rule is in effect. We can look at the facilities within those states that have chosen, all 23 of them, to take part in the rule and we might be able to get some information from that.

We know that facilities that are currently managing hazardous wastes, or recycling hazardous wastes, may be interested in taking advantage of the rule so we can use that as some information. And then try to also look at where else other facilities might locate.

Then step three is looking at the demographics of those facility's communities. And we are really looking for expertise from you all. You guys have what seems like a sort of corner on the market of expertise in this area so we are looking to hopefully get input from you all on how the best way to go about doing that is. And we are going to be looking at the same kind of methodology that was used in the Toxic Wastes and Race at Twenty Study.

The next one is to try and look at how there are other factors that might identify the vulnerability in communities like, for example, other pollutants that may be there, a facility's ability to respond to say an industrial accident and that kind of thing.

And then step five which is the really hard one which is basically pull all of that together. Figure out -- take those hazards that we identify, take the likelihood that

we think they might happen, and look at where those hazards might be impacting communities. That is the pull it all together step; is there a disproportionate impact?

And then the sixth step is looking at, okay is there and if there is, what can we do about it? And I think that is a really important step to sort of thoughtfully look at what we see in the study and then what possible things we could do about it. And that is I think where it is a little bit -- I just want to make sure everybody understands, where the EJ analysis that we are doing fits in to the whole rule.

The rule is finalized. We are now going back and looking at that rule, it is already there, looking at what the EJ impacts might be. And then as part of responding to the Sierra Club petition, we will be proposing a response to the petition. And so we will be taking the EJ analysis results and this thinking about what might be good changes to make and saying, what do we now do with that rule that is already on the books? And we will be proposing to use this analysis as well as other comments that we get from people on any other issues that they have raised in the rule and deciding what to do. And that proposal could range from saying, we think everything is fine and we are not going to do anything to we think this thing is horrible and we are going to yank it.

And then anywhere in between there are several pieces of the rule; we could make specific revisions to

several pieces of the rule. We could remove portions of the rule. So it is a total range of possibility. And what that will be based on is that what are the things that we could do that would make the right kind of difference if we see that that is necessary.

MR. RIDGWAY: Thank you. Is that it for you?

MS. MOONEY: Erin could you go maybe to the very --
Slide 10?

(Slide)

So as Mathy mentioned we are having a public roundtable this afternoon and this was upon the advice of council, we decided that it would be a good idea to do that here because so many people who would be interested and would have the expertise would be here.

I must apologize right up front. It is a little awkward that we are doing it right in the middle of your meeting so you guys yourselves cannot come but we are hopeful that we are going to be able to work out a way to get your input specifically at the same time.

So we will be having the public meeting this afternoon. We will be having another public meeting in D.C. on the 23, a teleconference on the 25 and then Mathy is going to have a video-conference on the 23 as well where he is going to be discussing the DSW analysis.

So I guess mainly, we would like to discuss with you

all how you think it would be good to get your input and I think I am going to let Vernice give us some additional thoughts.

Presentation

by Vernice Miller-Travis, NEJAC School Air Toxics Monitoring Workgroup

MS. MILLER-TRAVIS: Good afternoon everybody. You know that I was not originally scheduled on the agenda to talk about this, though I have been immersed in this issue. And our School Air Toxics Monitoring Workgroup had a face-to-face meeting on Monday and Tuesday of this week and Victoria is also our DFO. I mentioned to Victoria that I thought that there should be some other perspective given of this issue to counterbalance or to complement the presentation from EPA itself. So I was added to the agenda and I want to thank OEJ and the NEJAC for doing that. But I really, really, really want to thank Mathy for the record speed with which he responded to the request to slow down the DSW rulemaking to conduct the first ever environmental justice analysis of an EPA rulemaking.

As Mathy said and Charlotte said, there was a public meeting, public dialogue, on June 30 and a number of us including Paul Mohai came together to go on the record in that process and raise our concerns. And we did a fair amount of work in organizing, in bringing people from around the country into that dialogue. And then as you may recall in July at the

NEJAC meeting, there was a discussion, a presentation from Mathy, on the definition of solid waste and then Charlotte and I presented as well as Emily Enderle from Earth Justice.

And by the time I got to make that presentation which was three weeks between the time of the June 30 public hearing and the time of the NEJAC meeting, Mathy had slid right into the conversation with the NEJAC and said, we will slow down the rulemaking and do this environmental justice analysis. So from the time of that public meeting to the time of Mathy's presentation to the NEJAC was exactly three weeks to the day. I have never seen the federal government act to a request in three weeks. And I just want to say it was historic in and of itself.

So here we are into the process. I also want to say the petition that Charlotte mentioned, the petition for reconsideration was filed on behalf of the Sierra Club by Earth Justice, a nationally known legal environmental advocacy organization formally known as Sierra Club Legal Defense and Education Fund. Many of you who know Louisiana may now Nathalie Walker and Monique Harden who used to work and staff the office here in New Orleans for Sierra Club Legal Defense Fund and Earth Justice and most of the EJ legal work that has been in the state of Louisiana was done by Nathalie Walker and the Tulane Environmental Law Clinic. So I just want to say they have been up to their eyeballs in this issue for a very,

very, very long time.

I am not a party to the petition. I am not a party to the legal challenge that has been put before EPA. But as you know as the former Chair of the Waste and Facility Siting subcommittee of the NEJAC, I have been steeped in the issues of waste and hazardous waste and their impact on environmental justice communities and disproportionate impacts. So Earth Justice asked me to consult with them to really dig deeply into this issue.

Sue gave you, yesterday, folders and I want to ask everybody to pull those folders out; they say Earth Justice on the front. On the left hand side of that folder is a lot of materials on this definition of solid waste and the environmental justice analyses that have been done. On the right hand side of the folder is information about the Clean Air Act Section 112129 rulemaking that is also going to have a public dialogue this afternoon from 2:00 to 4:00. So we thought it would be useful for the NEJAC members to see what some of the conversations have been so far.

Some of the comments that I am going to share with you are in that folder; they have my name on top so I am not going to read everything but if you want to hear more, if you want to sneak out to be in that public dialogue with us at 4:00.

MR. RIDGWAY: Keeping in mind we have a quorum we

have to maintain here.

MS. MILLER-TRAVIS: You can just sneak back while you go to the bathroom and then come back; you know, you don't have to stay but it is going to be a really interesting discussion. And I want to say that EPA went the extra mile to bring that public dialogue to the NEJAC meeting itself to say that this is so important to the agency that they are trying to bring that conversation right into the midst of this conversation with all of these folks who care so passionately about this issue. And I want to suggest that folks in the audience, some folks in the audience, we do not want to clear the room but we would like some of you to be in that dialogue.

So I just want to hit a couple of really important points. First the agency has incorporated some really important positive elements in this analysis. It provides a detailed comparison of current law and what happens when the exclusion goes into effect. It uses a straightforward method of characterizing the racial and economic condition of the community in the vicinity of a polluting facility. It recognizes the importance of cumulative vulnerability and impact; a concept the environmental justice community has stressed with considerable success within the NEJAC itself and in the larger community. And EPA is proactively seeking the advice of community groups and environmental organizations and all others at a very early stage of rulemaking. This active

outreach is new, innovative, and I believe will be very helpful.

Here are some areas of general concern that I have about the EJ methodology thus far. What level of reliability do we have a right to expect when EPA regulates something? Has EPA been right over the years in developing the kinds of prescriptive detailed standards of facility siting, design, operation, closure and continuous monitoring we see under RCRA Subtitle C? Or can flexible generic concepts, like contain the material, be sufficient to assure equivalent and reliable protection? How committed is EPA to fundamental principles of public participation in community involvement? Is it important that the community have the opportunity to participate in decision making about where hazardous material handling facilities, whether recycling or storing and disposing, will be located? How they will be operating, how they will be closed, and how they will interact with the surrounding community or can this be done away with? Does it matter whether the federal and/or state governments inspect the facility or can we trust that private sector waste generators will do as good a job by performing what they will call an audit?

This is a good time to think carefully about these issues. We have been pleased to hear commitments from Administrator Jackson and then the President himself about the

importance of environmental protection, transparency, and high standards. It has become very popular to talk about sustainability and to look for ways to avoid waste and pollution by recycling and reclaiming.

From the EJ community's perspective, sustainability means higher environmental performance and improved health and the environment in communities of color, indigenous and low-income communities. However, more hazardous substances recycling with lesser environmental performance is not sustainability and is not sustainable.

So this is -- the big issue here is whether or not these hazardous waste recyclers are going to be regulated under RCRA Subtitle C. And the reason that this is so important is because RCRA Subtitle C is where the agency has been able to hold polluters responsible for what they do; to find them, to litigate against them if necessary, but to make them operate in accordance with the law. Once you step outside of RCRA Subtitle C and people can do things voluntarily, well we know they were acting voluntarily before RCRA was instituted. They were acting voluntarily before CERCLA was instituted. Many of our communities paid with their lives for what those businesses were doing.

So we have to make sure that we apply the stringest, most contained, most effective methods to oversee how hazardous waste is treated, stored or recycled in this

country. We do not want to see a lesser standard; we want to see a more stringent standard. And so that is essentially what this debate is about.

The definition of solid waste is a really critical tool for many, many, many federal statutes. So once this definition is rolled out, many statutes then depend on this definition of solid waste so we have to make sure we get it right. But I believe the agency is working really hard on this.

I want to give you just a couple of things to consider; this information is also in the packet. So far three states are adopting the Definition of Solid Waste rule even though it has not been finalized. Three states are already using that rule as it is currently defined; I believe it is Idaho, New Jersey, and Pennsylvania.

This is what we know about what is happening in those states where the rule has been adopted. The location of exempted recycling facilities in minority and low-income communities is especially troubling. The 23 facilities that are now taking advantage of the recycling exemption have collectively been the subject of at least 21 informal and 21 formal enforcement actions in the past five years alone. Six of the facilities, 26 percent, previously have been identified for corrective action under RCRA and nine of these facilities, 39 percent, have been designated as Superfund sites under the

Comprehensive Environmental Response Compensation and Liability Act or CERCLA. All told, 16 of the 23 facilities, or 17 percent, have caused some type of known contamination in the past including 13 of the 19 facilities, or 68 percent, located in environmental justice communities.

So already, though the rule has not been finalized, people are already experiencing adverse impacts from these recycling facilities.

This is in my personal opinion, looking from a historical standpoint, the reason we created the Superfund Program in the first place was because these recycling operators were bad actors and they were doing bad things in communities and they were causing really, really severe environmental impacts that caused significant public harm and significant public health impact.

So again this is really, really important. And you know I am a geek when it comes to waste issues; you know I am. I love this stuff. As Gina was saying about the air stuff, how she loves that, I love this waste stuff but I love it because if we do not get it right people pay with their lives and we cannot allow that to go forward particularly not in this administration.

I just have a couple of other things to say and then I will wrap up. I want to challenge us as a community to say that when the agency asked us to work with them, we have an

obligation as a community to engage with EPA. To not just stand on the outside and throw bricks and say "you didn't invite me" although I do have an issue about how it is that this conversation has been going on since 1994 and the first time the NEJAC or the environmental justice constituency was asked to participate in the conversation was in June of 2009; that really ticks me off.

However, let's not dwell on that. Let's dwell on what Charlotte has asked us to do now. She has asked us to come to the table and be involved in a conversation. Let's not stand on the outside and say "well you didn't invite me in 1994" and that may be true but she asked you in 2009 so step up and come to the table, be involved in the conversation, and look at the data.

Paul Mohai has written reams on this. Bob Bullard has written reams on this. Beverly Wright -- so many people have dug deeply into this issue. We have the tools, we have the data, all we have to do is be in the conversation.

So I just want to say we have a responsibility as a constituency to work with the agency to really roll out a really effective environmental justice methodology.

And I also want to make a formal recommendation to the NEJAC, Charles has heard this and Victoria has heard me talk about this ad nauseam; I really bemoan and lament the death if you will of the Waste and Facility Siting

Subcommittee of the NEJAC. Many of the people who have been participating in this process were former members of that committee who have come back together to look at this issue. Because this is the kind of thing we would have taken up and we would have really dug deeply on and looked at.

But now that the NEJAC operates with a workgroup kind of model, I want to make a formal request to the NEJAC that you establish, with the Office of Solid Waste and Emergency Response, a NEJAC workgroup on the development of an environmental justice methodology for rulemaking analysis. Obviously the DSW is going to be the first rulemaking to roll out to use this environmental justice analysis.

I would further like to recommend that people like Paul Mohai, Sue Briggum, Bob Bullard, Eileen Gauna, Michael Lythcott, Eric Schaeffer, and affected community representatives and tribal representatives and perhaps even myself, would serve on a workgroup like this. Because I promised Charlotte, she asked if we would -- if I would be at the table to work with her on this and I promised Charlotte that I would. But the only formal way to get out of this adversarial relationship and sit around a table together and dig deeply on this is if we do it in the construct of a workgroup as opposed to working around this petition for reconsideration.

I want to say one last thing about this petition for

reconsideration. Had it not been for Earth Justice stepping up and filing this petition for reconsideration on January 29 of last year, where would we be with this rulemaking? Where would we be with the identification of the impact of hazardous waste recyclers on environmental justice communities?

So I want to lift up Earth Justice for stepping in and fighting this fight for us. But I now want to say that it is our responsibility to take it the next level of the way and to work with EPA to roll this out. I am going to volunteer Paul and the School of Natural Resources and the Environment at the University of Michigan; they do this stuff all the time, you know, this is what they do. So let's get Paul and let's get his graduate students and his colleagues in there.

MS. YEAMPIERRE: We might not have time for question; so I am sorry Vernice.

MS. MILLER-TRAVIS: I am done.

MS. YEAMPIERRE: We only have about four minutes now so we are just going to take one or two questions.

Questions and Answers

MS. BRIGGUM: I am going to follow on Vernice's role; that we really might find impressive. And I would have a lot to say but I hope that there will be a formal workgroup so I will have a chance to say it. I think that we can be enormously helpful. We understand Paul's methodology. This is something that takes expertise in terms of what is the

difference between a 1,000 page RCRA permit and the verb "contain." I think that is a good discussion and I certainly hope I can second that recommendation.

MR. WILSON: This is pretty quick. We have been talking about interagency for quite a while. Does this definition in the working part of this comprehensively deal with those agencies that are not at the table, the United States Department of Agriculture specifically and the Department of Transportation?

MS. MOONEY: Every rule does go through the interagency review process so it did go through that formal process. We did have comments from other agencies but largely it is a hazardous waste issue and so it is largely an EPA project.

MS. YEAMPIERRE: So Paul, you have not really spoken much, so I want to make sure that you actually weigh in particularly on this issue and then after that we are ready to go.

MR. MOHAI: Well first I wanted to say I have not had a chance to read that report until yesterday. So my motto is "first do no harm" so I am not going to say anything about it because I really want to understand it.

The one thing I do want to raise a question about is I think this was step two which seems to me, the sample, you know identifying the appropriate sites. And I did see that

there were three different categories; the one that states 23 sites where the states are going to go ahead and then you also identified 5,600 possible sites. And somewhere else in the report you mentioned 800 damage cases and of those you are going to look at 208. Personally I did not feel like I understood enough of the details about exactly how those sites were being identified. And, you know, from a methodological point of view, it raises questions about sampling.

But the point I do want to make is it is possible that if you have different categories of sites, to analyze them separately and compare them. So I want to encourage that direction rather than saying "well we didn't know which ones take, these seemed like a good idea." That is going to make me nervous because what you might wind up with may not be representative. So that is the only comment I am going to make and if I am off the mark on any of that I apologize but I didn't really have a lot of time to absorb the report since we went late last night.

I just want to say, just to comment on Vernice's volunteering me for this work, it is really unfair because she knows I cannot resist her requests. I just admire and respect Vernice so much that I know if she is going to be on the same committee, I am going to be on it; I will do it just because she is on it. So that is an unfair proposal.

MR. STANISLAUS: I think one of the biggest

challenges we are going have, Paul to your comment, is how do we forecast the future and how do we forecast where facilities are going to be? So whether we choose one or more alternatives to kind of help illustrate, you know, maybe do a couple of different cases. But I do want to second; I think we need to have a mechanism of interfacing with some working group. Because I think our timeline is not going to line up with the next NEJAC meeting. While we will report out we need to have a more interactive way of -- so once we complete it, to engage with people. So I would like to really kind of think about a body for us to directly interact with.

MS. GARCIA: I just wanted to mention that we, in discussing the process for interaction and getting the stakeholder input and everyone's input, we have discussed either a workgroup or trying to put something together a little bit more quickly so that we do have that interaction and public input right away. So we will continue to work with everyone to make sure that goes ahead, maybe even before announcing a formal workgroup, but just to get it going.

MS. YEAMPIERRE: So we also have some time on Friday to talk about these things so hopefully we can do that also.

We have less than an hour for lunch so we should be back here at 1:45.

(Whereupon a luncheon recess was taken)